

Congress of the United States
Washington, DC 20515

April 21, 2010

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-00012

Dear Administrator Jackson:

It has come to our attention that the Environmental Protection Agency (EPA), despite recently completing its 15-year review of Atrazine and granting its re-registration in 2006, has decided to reevaluate the herbicide Atrazine by subjecting it to an additional Federal Insecticide Fungicide Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP). We are concerned that the scope of the EPA's current inquiry exceeds its authority and is contrary to the re-registration process put in place by Congress through FIFRA.

Atrazine has been used by corn, sorghum, and sugar growers safely for more than 50 years and is a crucial tool of agricultural production in this country. The EPA estimates that corn growers stand to lose \$28 an acre if Atrazine becomes unavailable. Economic losses, however, would not matter if there was compelling evidence that Atrazine was harmful to human health or the environment. To date, in over 6,000 scientific studies, there has not been credible evidence that Atrazine is harmful to human health or the environment. Rather, the studies suggest that Atrazine can be used in a safe manner.

In fact, in 2006, the EPA concluded a 12-year investigation that culminated in the EPA's re-registration of Atrazine. The EPA reported that triazine herbicides pose "no harm that would result to the general U.S. population, infants, children or other . . . consumers." Again in 2007, the Agency reviewed environmental claims about Atrazine and upheld the finding that it posed no concern.

We have heard from farmers and ranchers across our districts with their concerns that the EPA has begun its reevaluation of Atrazine because of a report from activist groups, which coincides with the same groups' involvement in class-action lawsuits and a national public relations campaign. It is our understanding that the negative scientific claims in this report have received little peer review and the EPA did not subject those negative claims to an internal EPA review to determine their validity, as is typically the practice.


To institute a reevaluation of the health and environmental risks of Atrazine when it is only one-third of the way through its current re-registration period is contrary to the process established by FIFRA. It is our hope that going forward the EPA will continue to use sound science when determining the safety of Atrazine.


America's farmers deserve to be treated fairly. We believe there must be a transparent and science-based process at the EPA for reviewing crop protection products that are

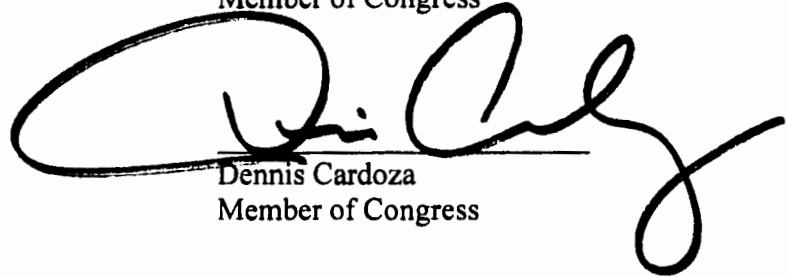
crucial in helping our farmers provide a safe and abundant food supply. Thank you for your attention to this important matter and we look forward to working with you.

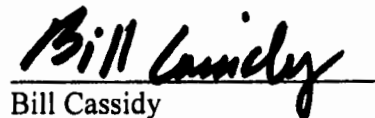
Sincerely,

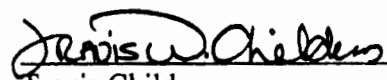

Leonard Boswell
Member of Congress

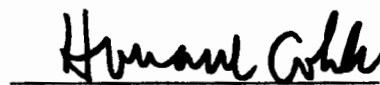

Jerry Moran
Member of Congress

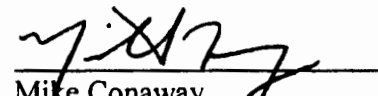

Roy Blunt
Member of Congress

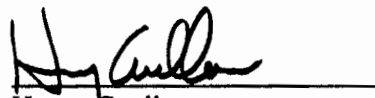

Dennis Cardoza
Member of Congress



Bill Cassidy
Member of Congress

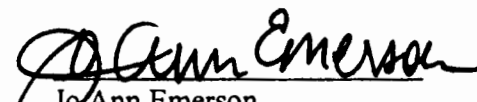

Travis Childers
Member of Congress



Howard Coble
Member of Congress


Mike Conaway
Member of Congress

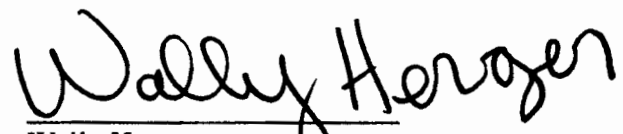

Henry Cuellar
Member of Congress

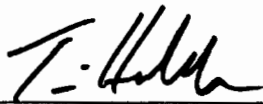

Brad Ellsworth
Member of Congress


Jo Ann Emerson
Member of Congress


Sam Graves
Member of Congress


Deborah Halvorson
Member of Congress

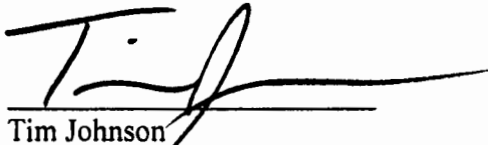

Wally Herger
Member of Congress



Tim Holden
Member of Congress



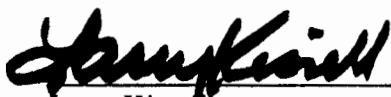
Lynn Jenkins
Member of Congress



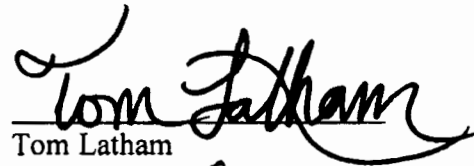
Tim Johnson
Member of Congress



Steve King
Member of Congress



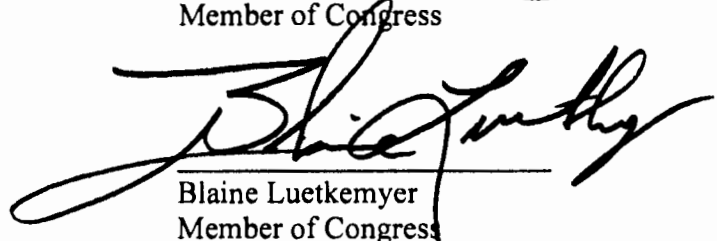
Larry Kissel
Member of Congress



Tom Latham
Member of Congress



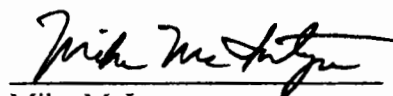
Frank Lucas
Member of Congress



Blaine Luetkemeyer
Member of Congress




Cynthia Lummis
Member of Congress



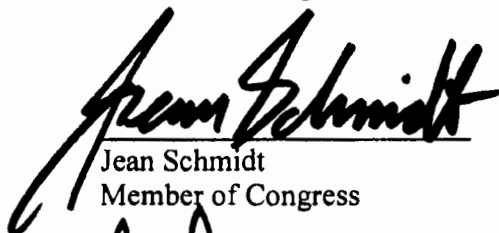
Mike McIntyre
Member of Congress



Randy Neugebauer
Member of Congress



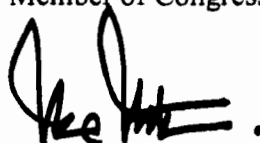
Stephanie Herseth Sandlin
Member of Congress




Jean Schmidt
Member of Congress



Kurt Schrader
Member of Congress



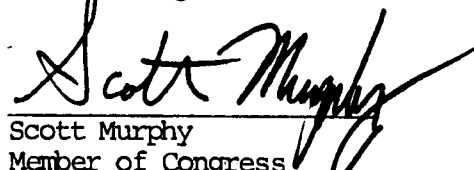
Ike Skelton
Member of Congress



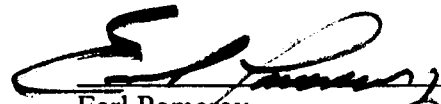
Adrian Smith
Member of Congress



Don Manzullo
Member of Congress



Scott Murphy
Member of Congress



Earl Pomeroy
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 20 2010

The Honorable William Cassidy
U.S. House of Representatives
Washington, D.C. 20515

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Congressman Cassidy:

Thank you for your letter of April 21, 2010, to Environmental Protection Agency (EPA) Administrator Lisa Jackson expressing concern about the Agency's reevaluation of the pesticide atrazine. I am responding on the Administrator's behalf since my office is responsible for regulating pesticides.

Atrazine is one of the most widely used pesticides in the United States and is the subject of significant inquiry and regulatory interest. In fall 2009, EPA initiated an atrazine reevaluation to examine new research completed since atrazine was reregistered in 2003. Given the new body of scientific information as well as the documented presence of atrazine in both drinking water sources and other bodies of water, the Agency determined it appropriate to consider the new research and to ensure that our regulatory decisions about atrazine protect public health.

Atrazine's re-evaluation process has always been dynamic, not static. Over the last seven years since the atrazine reregistration decision was completed, the Agency has convened a number of Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panels (SAPs) to review new atrazine research and methods to assess its risks. Moreover, the Agency has received an extensive amount of drinking water and ambient surface water monitoring data from the registrant, as a condition of reregistration. EPA continuously reviews these data and has added into the program 23 new community water systems that warranted closer scrutiny and removed others consistent with the reregistration requirements. In addition, the 1994 Atrazine Special Review covering cancer issues and drinking water remains open, highlighting the Agency's historical and ongoing focus on atrazine and its potential health effects from drinking water exposures.

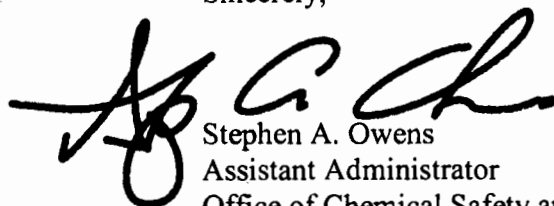
EPA has three SAP meetings scheduled for 2010; however, the Agency's commitment to convene two of these panels pre-dated our atrazine reevaluation announcement of October 2009. The completed SAP meeting in February focused on generic issues concerning approaches for reviewing epidemiology studies and their use within risk assessments. An SAP meeting in the fall of 2010 was also already planned for EPA to present and seek peer review of its evaluation of atrazine non-cancer effects based on experimental laboratory studies and epidemiology studies. The Agency had hoped that new results from the epidemiological Agricultural Health Study, evaluating the link between atrazine and cancer risk, would be available for consideration at the fall SAP meeting; however, the results will not be available at that time. When these updated results become available from the National Cancer Institute, anticipated in 2011, EPA will schedule an additional SAP meeting to present the findings from this and other cancer

epidemiology studies, as well as laboratory animal studies on atrazine and cancer. The additional, new SAP review held on April 26-29 was an evaluation of laboratory studies addressing non-cancer effects of atrazine as well as sampling protocols used to monitor atrazine levels in community water systems.

The SAP meetings are open to the public and we encourage all interested parties to participate in these meetings. The Agency's 2010 SAP Meetings Web page, www.epa.gov/scipoly/sap/meetings/2010/index.html, will provide detailed information about each meeting and how to participate.

Again, thank you for your interest in atrazine. If you have further questions, please contact me or your staff may call Ms. Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at 202-564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. A. Owens', is positioned above the printed name and title.

Stephen A. Owens
Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Congress of the United States
Washington, DC 20515

April 26, 2010

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-00012

Dear Administrator Jackson,

We are writing to express our concern over the Environmental Protection Agency's (EPA) proposed spray drift policy. This proposed policy could lead to decreases in farm productivity and excessive litigation against growers. Further, it serves as another example of the EPA's clear disregard for the impact its policies have on American agriculture and food security.

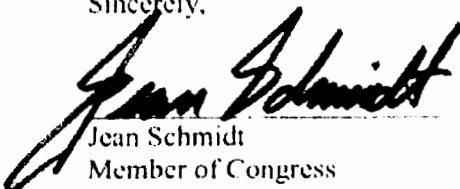
The phrasing of the proposal's general drift statement sets an unachievable and unenforceable zero drift standard. Despite the precautions that growers and other pesticide users take to prevent drift, EPA acknowledges that some trace levels of drift may be unavoidable. This drift, however, is accounted for in the pesticide registration process and on the pesticide product label. In meeting FIFRA's requirement that pesticide use not pose an "unreasonable adverse effect" on people, wildlife or the environment, EPA's registration process evaluates the results of over 100 different scientific environmental and safety research studies. The product's directions for use incorporate mitigation and application techniques designed to minimize drift.

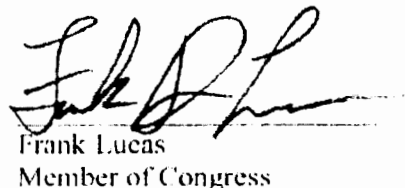
The general drift statement and EPA's interpretative guidance also includes vague language such as "could cause" or "may cause" adverse effects. These statements do not belong on a pesticide label because they are not in accordance with the FIFRA risk-based standard of "no unreasonable adverse effects." This language would force state regulatory officials who are responsible for enforcement to determine if an application "could cause an adverse effect" or "could cause harm." It is unclear whether these officials universally possess the resources and expertise to make such a determination.

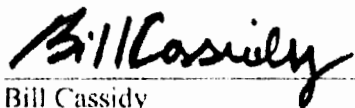
Further, this vague label language could compel some individual citizens to allege potential harm even in the absence of any real adverse effects to their health or property. Rather than protecting the public and the environment from real risks, it is likely to lead to unwarranted enforcement actions and frivolous lawsuits against applicators and growers.

Rather than creating an unachievable standard, EPA should focus on outreach, education and other efforts to promote the adoption of and improvement of drift reducing technologies.

Sincerely,


Jean Schmidt
Member of Congress

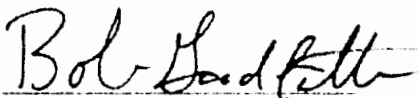

Frank Lucas
Member of Congress



Bill Cassidy
Member of Congress



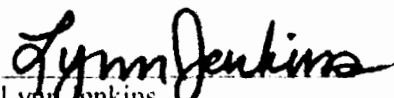
K. Michael Conaway
Member of Congress



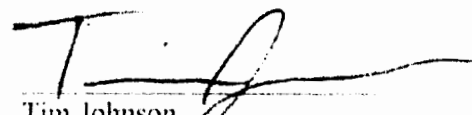
Bob Goodlatte
Member of Congress



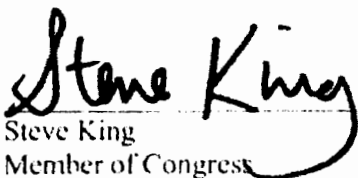
Sam Graves
Member of Congress



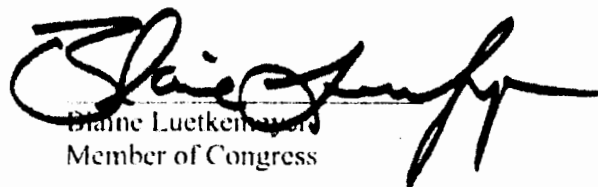
Lynn Jenkins
Member of Congress



Tim Johnson
Member of Congress



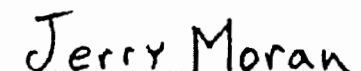
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Member of Congress



Blaine Luetkemeyer
Member of Congress



Cynthia Lummis
Member of Congress



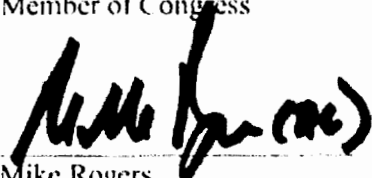
Jerry Moran
Member of Congress



Randy Neugebauer
Member of Congress



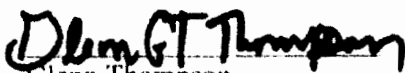
David Roe
Member of Congress



Mike Rogers
Member of Congress



Adrian Smith
Member of Congress



Glenn Thompson
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 17 2010

The Honorable William Cassidy
U.S. House of Representatives
Washington, D.C. 20515

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Congressman Cassidy:

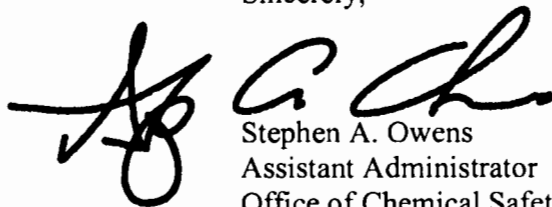
Thank you for your letter of April 26, 2010, to Environmental Protection Agency (EPA) Administrator Lisa Jackson regarding EPA's proposed policy to reduce drift from pesticide applications. I am responding on the Administrator's behalf since my office is responsible for regulating pesticides.

Off-target pesticide drift is a difficult and controversial problem, and I want to assure you that EPA is fully considering all aspects of this important issue. I acknowledge the concerns being raised about the Agency's proposed "could cause harm" statement in the context of the statutory language in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). We are in the process of carefully reviewing all stakeholder comments on the draft Pesticide Registration (PR) Notice on Pesticide Drift Labeling and the related supporting documents and will be paying particular attention to this issue.

In preparing the draft PR Notice, EPA received input from a broad array of organizations through our Federal Advisory Committee, the Pesticide Program Dialogue Committee (PPDC). I assure you that, as EPA proceeds with reviewing the comments received on the PR Notice, we will continue to use an open and transparent approach. We are committed to further discussions with stakeholders to work out a practical solution for making the improvements in spray drift labeling we all recognize as necessary. Our outreach will include dialogue with interested parties, including state lead agencies and agriculture-related groups.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Ms. Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,



Stephen A. Owens
Assistant Administrator
Office of Chemical Safety and Pollution Prevention

AL-10-001-2986

COMMITTEES:
VICE CHAIRMAN-AGRICULTURE

Chairman- CONSERVATION, CREDIT,
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LIVESTOCK, DAIRY, AND POULTRY

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HIGHWAYS AND TRANSIT

AVIATION



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

July 29, 2010

TIM HOLDEN

17TH DISTRICT, PENNSYLVANIA

www.holden.house.gov

2417 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3817
(202) 225-5546

The Honorable Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Hazardous and Solid Waste Management System; Identification and Listing of
Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities;
Docket ID No. EPA-HQ-RCRA-2009-0640

Dear Administrator Jackson:

Thank you for the opportunity to comment on the above referenced proposed rule, published in the *Federal Register* on Monday, June 21, 2010. As you evaluate the development of federal regulations for coal combustion residuals produced by power plants that supply approximately half of the nation's electricity needs, also known as coal combustion byproducts (CCB), we urge you to craft an approach that protects public health and the environment without unnecessarily burdening the economy and jeopardizing important manufacturing and other related jobs.

We strongly recommend that EPA resist calls to regulate CCB as a listed waste under the hazardous waste authorities of subtitle C of the Resource Conservation and Recovery Act (RCRA). A hazardous waste approach represents the most extreme and burdensome regulatory option available to EPA under federal law, is wholly unnecessary, and inconsistent with past Agency decisions. Instead, we urge EPA to develop non-hazardous waste controls for CCB under subtitle D of RCRA for the disposal of CCB in surface impoundments and landfills, consistent with its 2000 Regulatory Determination.

Decades of work by EPA under both Democratic and Republican administrations implementing the Bevill Amendment to RCRA have consistently affirmed – in two Reports to Congress and two related Final Regulatory Determinations – that regulating CCB under RCRA subtitle C is *not* necessary to protect public health and the environment. In fact, EPA found that such regulation would be environmentally counter-productive because the stigma and related liability concerns of regulating CCB under RCRA's hazardous waste program would understandably have an adverse impact on the important objective of increasing CCB beneficial use.

EPA recently reaffirmed its conclusion that subtitle D controls are protective for the disposal of CCB as evidenced by its decision that management of the CCB from the

☐ SRBC OFFICE BUILDING
1721 NORTH FRONT STREET, SUITE 105
HARRISBURG, PA 17102
(717) 234-5904

☐ 758 CUMBERLAND STREET
LEBANON, PA 17042
(717) 270-1395

☐ 101 NORTH CENTRE STREET, SUITE 303
POTTSVILLE, PA 17901
(570) 622-4212

☐ 4918 KUTZTOWN ROAD
TEMPLE, PA 19560
(610) 921-3502

Kingston TVA spill in a subtitle D landfill would be fully protective of human health and the environment. EPA readily acknowledges in the pending CCB proposal that subtitle D non-hazardous waste controls for CCB will provide an equivalent level of protection for CCB disposal units as would hazardous waste controls under RCRA subtitle C.

There also is little question that the subtitle C option would have an adverse impact on jobs creation at a time when the nation is still attempting to recover from one of the worst recessions in our history and millions of people remain out of work. We simply cannot condone a regulatory option that harms rather than helps in the creation of new jobs, but unfortunately that is precisely what the subtitle C option would do.

We have heard from many companies in the still emerging CCB beneficial use markets that are seeing jobs lost from the mere suggestion of regulating CCB under RCRA's hazardous waste program. State departments of transportation have cautioned that the subtitle C option would put further restrictions on the important use of CCB in highway and other infrastructure projects. This could have an adverse impact on employment as available alternatives to CCB use in highway projects are considerably more expensive and would reduce the number of projects that could be covered by federal and state funds.

State environmental protection agencies have uniformly warned EPA that regulating CCB under RCRA's hazardous waste regime would immediately more than double the volume of wastes subject to hazardous waste controls, overwhelming the state budgets and employee resources needed to administer these new regulations. These economic burdens on the states will cause even more financial stress on already stretched state budgets, further accelerating the cuts in state jobs.

We are also concerned that the increased compliance costs under the subtitle C option will translate into increased energy rates for millions of American consumers, which will unnecessarily inhibit consumer spending and further burden our collective goal of an economic recovery.

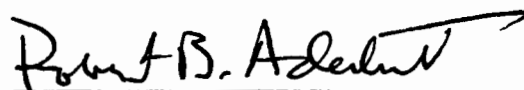
In short, there is simply no basis to pursue the subtitle C option for CCB with its attendant adverse impacts on jobs creation and economic recovery, when an equally protective and more cost-effective alternative is available for CCB under RCRA's subtitle D non-hazardous waste program. We therefore strongly encourage EPA to pursue the subtitle D option in the final CCB rule.

Thank you for your attention to this important matter.

Sincerely,



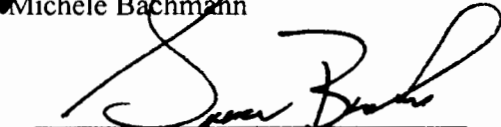
Tim Holden



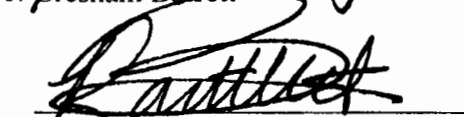
Robert B. Aderholt

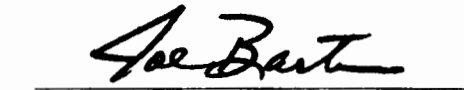

Steve Austria


Michele Bachmann

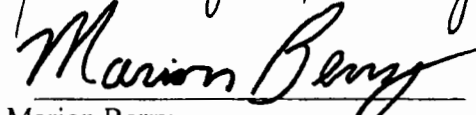

Spencer Bachus


J. Gresham Barrett

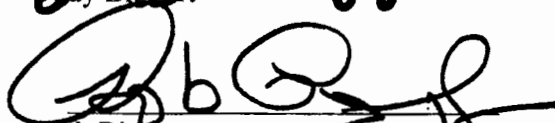

Roscoe G. Bartlett

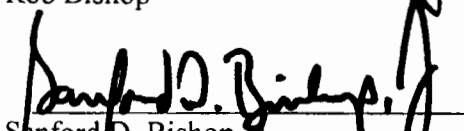

Joe Barton

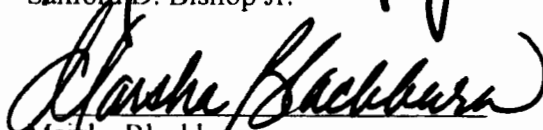

Shelley Berkley



Marion Berry

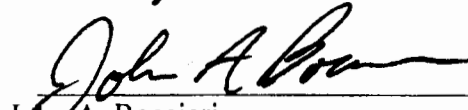

Judy Biggert


Rob Bishop

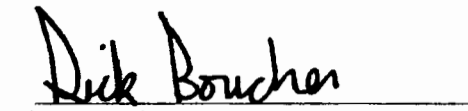

Sanford D. Bishop Jr.

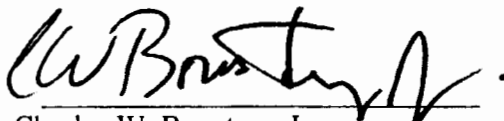

Marsha Blackburn

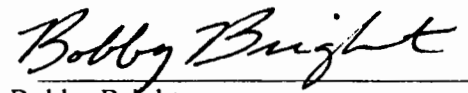

Roy Blunt



John A. Boccieri


Jo Bonner


Rick Boucher



Charles W. Boustany Jr.

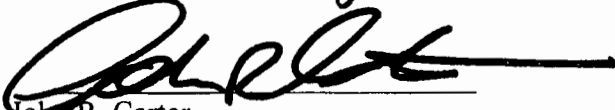

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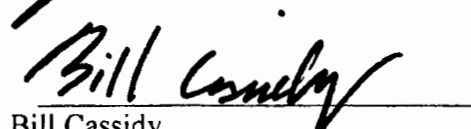

Paul C. Broun


Eric Cantor


Shelley Moore Capito

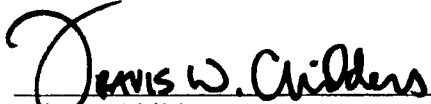

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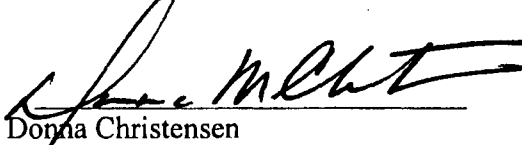

Bill Cassidy



Jason Chaffetz



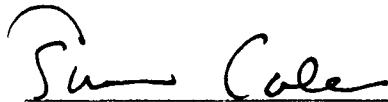
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Donna Christensen



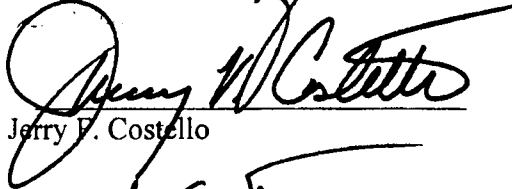
Howard Coble



Tom Cole



K. Michael Conaway



Jerry F. Costello



Mark S. Critz



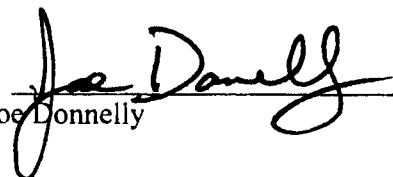
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Geoff Davis



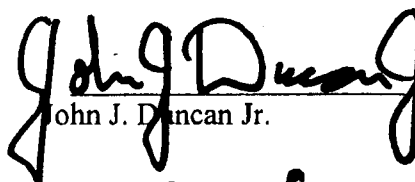
Charles W. Dent



Joe Donnelly



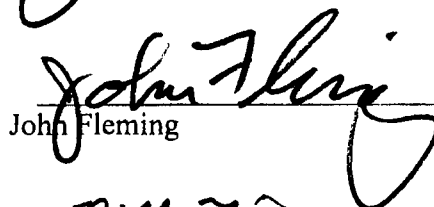
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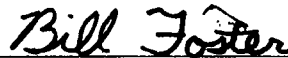
John J. Duncan Jr.



Jo Ann Emerson



John Fleming



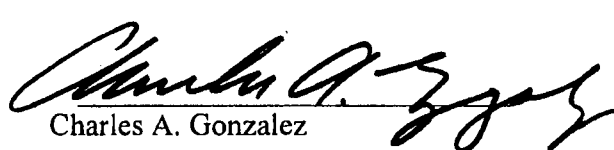
Bill Foster



Virginia Foxx



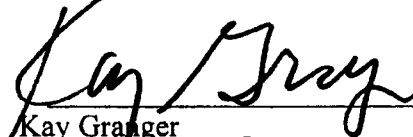
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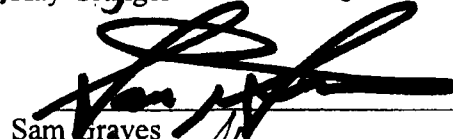
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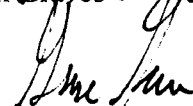
Bob Goodlatte



Kay Granger



Sam Graves



Gene Green

Brett Guthrie

Brett Guthrie

Ralph M. Hall

Ralph M. Hall

Deborah L. Halvorson

Deborah L. Halvorson

Gregg Harper

Gregg Harper

Stephanie Herseth Sandlin

Stephanie Herseth Sandlin

Baron P. Hill

Baron P. Hill

Bob Inglis

Bob Inglis

Lynn Jenkins

Lynn Jenkins

Walter B. Jones

Walter B. Jones

Jim Jordan

Jim Jordan

Steve Kagen

Steve Kagen

Ron Kind

Ron Kind

Steve King

Steve King

John Kline

John Kline

Doug Lamborn

Doug Lamborn

Tom Latham

Tom Latham

Steven C. LaTourette

Steven C. LaTourette

Robert E. Latta

Robert E. Latta

John Linder

John Linder

Frank D. Lucas

Frank D. Lucas

Blaine Luetkemeyer

Blaine Luetkemeyer

Cynthia M. Lummis

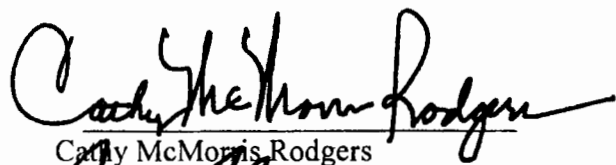
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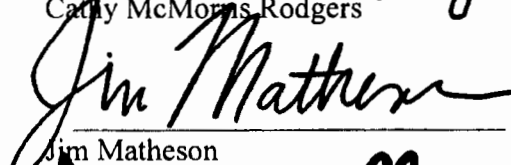
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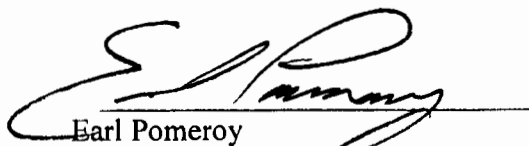
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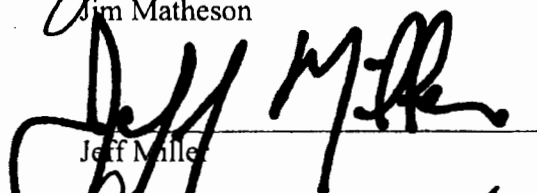
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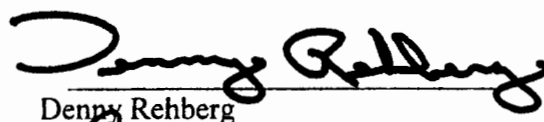

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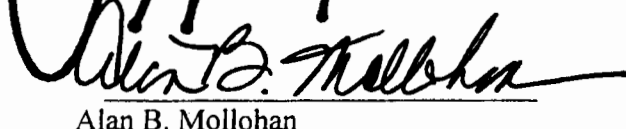

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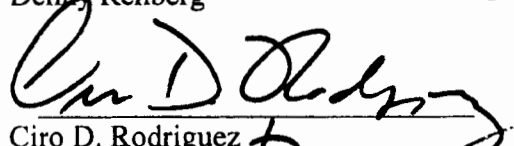

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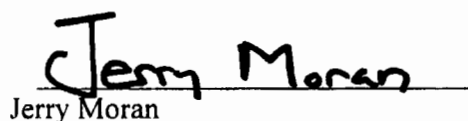

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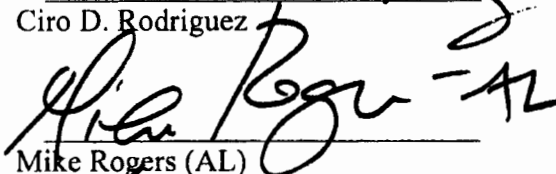

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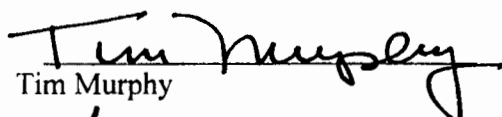

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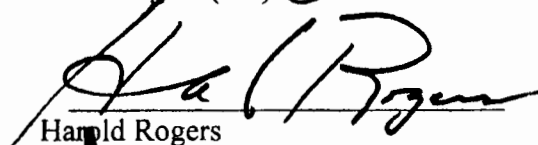

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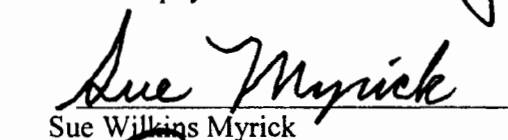

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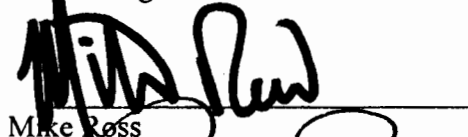

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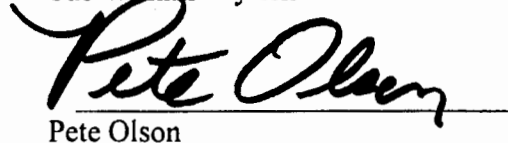

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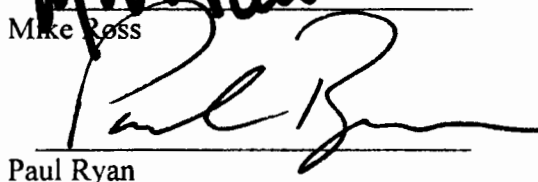

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Harold Rogers


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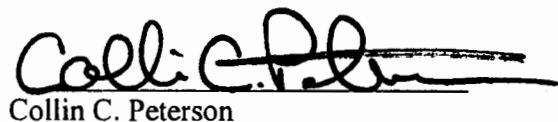

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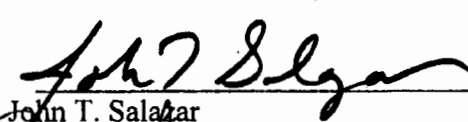

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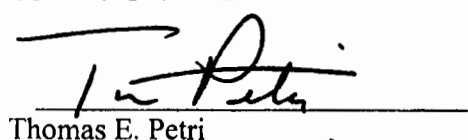

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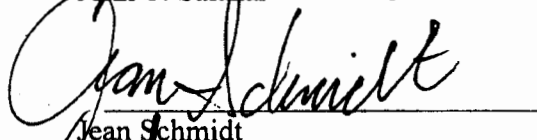

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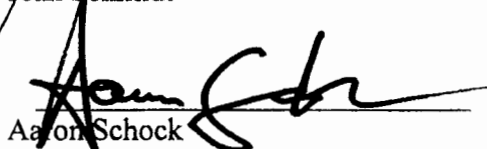

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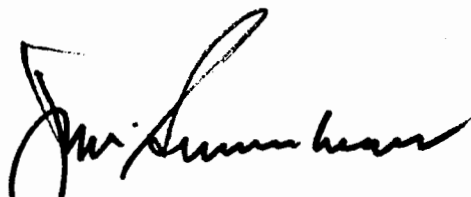

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Thomas E. Petri

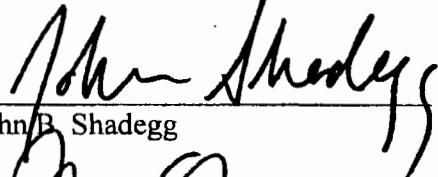

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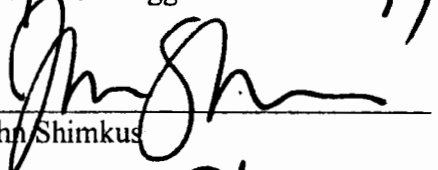

Aaron Schock



F. James Sensenbrenner Jr.



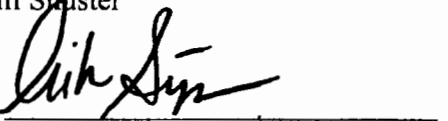
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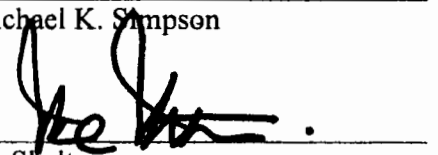
John Shimkus



Bill Shuster



Michael K. Simpson



Ike Skelton



Adrian Smith



Zachary T. Space



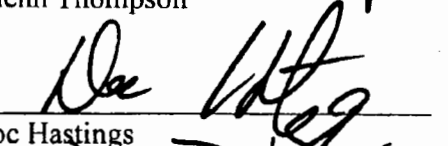
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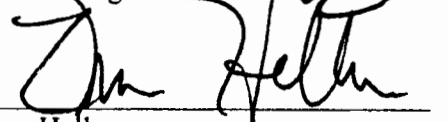
Harry Teague



Glenn Thompson



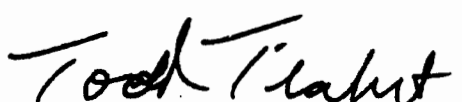
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Dean Heller



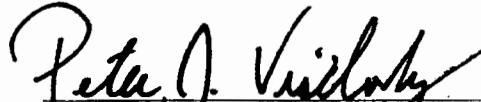
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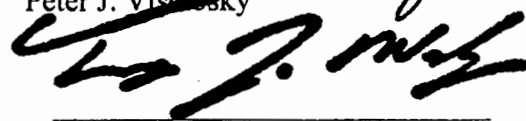
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Patrick J. Tiberi



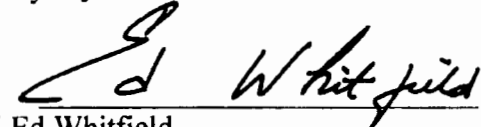
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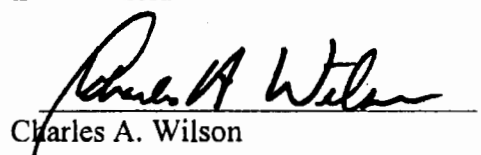
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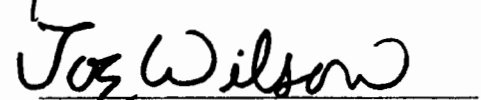
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Ed Whitfield



Charles A. Wilson



Joe Wilson



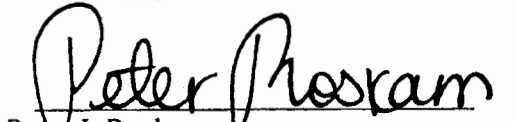
Robert J. Wittman



Don Young



Mike Coffman



Peter J. Roskam



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 1 2010

The Honorable William Cassidy
U.S. House of Representatives
Washington, D.C. 20515

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Dear Congressman Cassidy:

Thank you for your letter of July 29, 2010 to U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson, expressing your interest in EPA's proposed rulemaking governing the management of coal combustion residuals (CCRs) and the potential adverse impacts associated with a possible re-classification of CCRs as a hazardous waste. I appreciate your interest in these important issues.

In the proposed rule, EPA seeks public comment on two approaches available under the Resource Conservation and Recovery Act (RCRA). One option is drawn from remedies available under Subtitle C, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The other option includes remedies under Subtitle D, which gives EPA authority to set performance standards for waste management facilities which are narrower in scope and would be enforced primarily by those states who adopt their own coal ash management programs and by private citizen suits. EPA estimated the potential impact of the proposed rule on electricity prices assuming that 100% of the costs of the rule would be passed through to coal-fired electric utility customers. EPA estimated a potential increase of 0.015 cents per kilowatt-hour under the Subtitle D option to 0.070 cents per kilowatt-hour under the Subtitle C option in potential average electricity prices charged by coal-fired electric utility plants on a nationwide basis.

EPA is not proposing to regulate the beneficial use of CCRs. EPA continues to strongly support the safe and protective beneficial use of CCRs. However, EPA has identified concerns with some uses of CCRs in an unencapsulated form, in the event proper practices are not employed. The Agency is soliciting comment and information on these types of uses.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive, flowing style.

Mathy Stanislaus
Assistant Administrator

Congress of the United States
Washington, DC 20515

November 17, 2010

The Honorable Lisa Jackson
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Dear Administrator Jackson:

We write to you today to express our concern regarding the Environmental Protection Agency's (EPA) reconsideration of the 2008 National Ambient Air Quality Standards (NAAQS) for ground-level ozone. This action departs from the normal five-year NAAQS review schedule established by the Clean Air Act. We strongly support protecting the environment and ensuring the health of our constituents, but we have serious concerns that EPA's departure from regular order in relation to an Ozone NAAQS review will have a significant negative impact on the economies of our states without enhancing air quality. We are concerned proposals to lower the recently revised NAAQS will hurt working families and greatly increase operating costs for manufacturers during this time of serious economic difficulty.

As you know, the Clean Air Act requires that EPA conduct a detailed review of each NAAQS every five years. This review, with extensive process, public input and comment, was last completed for the ozone standard in 2008. Some groups argued for a significant tightening of the standard and others, including respected members of the scientific community, believed that the existing ozone standard was adequately protective. In the end, EPA strengthened its existing 0.084 ppm standard to a much more stringent 0.075 ppm, declared that level adequately protective of human health and the environment, and commenced preparations for the next five year review.

When EPA changed the ozone standard in 2008, many of our states were still coming into attainment of the old .084 ppm standard, and suffered significant economic and growth restrictions under the required state implementation plan (SIP). States must again revise their SIPs to meet EPA's more stringent 0.075 ppm standard, with even more adverse economic impacts.

This year, despite being midway through the ongoing five year NAAQS review process, EPA has proposed to bypass the transparency and technical input afforded by that statutory process and apply a more aggressive and costly ozone mandate. Moreover, it does not appear that EPA is relying on any new scientific evidence in its decision, but is simply using the same data from 2008 to now reach a different conclusion.

Areas that will not be able to meet EPA's proposed new NAAQS will face increased costs to businesses, restrictions on development and expansion, and limits on transportation funding. EPA's new proposed standard could nearly triple the number of nonattainment areas and, under the high end of EPA's own estimate, add \$90 billion dollars per year to already high operating costs faced by manufacturers, agriculture, and other sectors.

In addition, recent studies indicate that each affected state could lose tens of thousands of jobs, if not more. If our local businesses can't compete, our constituents will lose their jobs, their health care and other employee benefits for their families. Our communities will also lose local tax revenue critical to funding public education and municipal infrastructure.

We believe that we can and should continue to improve our environment, but we are concerned that EPA's action has real, detrimental impacts on the people they are trying to protect. Given the heavy job loss potential this policy could result in and the absence of any new scientific data, we strongly believe changing the current NAAQS standard outside of the ongoing five year review process is unnecessary.

Sincerely,

Mike Rasmussen

Steve Smith

Chris A. Walker

Sue Myrick

Carol Brown

Joseph R. Pitts

Dorinda Blackman

Rick Boucher

Gene Smith

Jim Matheson

John H. ...

John ...

John ...

W. Cade Atkin

Lynn Jenkins

Bob Windorby

Jerry Moran

Ray Blunt

Pat Lohr

Bob

Al Lopez

Mike Shady

Brett Gathorn

Steve King

Shirley

G.T. Thompson

Bob

Wally Harger

John Bauer

for 7 days

Peter Proskam

Michael Bachmann

Robert E. Jones

John Callahan

John Boozma

Steve

Sam Johnson

John Kline

Ch. Penty, Jr.

Eligibility

Geoff Jarvis

John Kling

John Chaffin

Harold Reger

Pete Sess

Steve Sealise

Joe Dault

Steve Buyer

~~Paul H. H.~~

Off. Fanning

Bill Casady

List of Signatures

1. Mike Ross
2. Rick Boucher
3. Ike Skelton
4. Gene Green
5. Charlie Wilson
6. Jim Matheson
7. Sue Myrick
8. Zack Space
9. Paul Broun
10. John Carter
11. Joseph Pitts
12. John Sullivan
13. Marsha Blackburn
14. Todd Akin
15. Lynn Jenkins
16. Steve King
17. Peter Viscolosky
18. Sheila Jackson-Lee
19. Jerry Moran
20. Glenn Thompson
21. Roy Blunt
22. Dan Boren
23. Patrick Tiberi
24. Wally Herger
25. Rob Bishop
26. John Barrow
27. Charles Gonzalez
28. John Salazar
29. John Shadegg
30. Peter Roskam
31. Brett Guthrie
32. Michele Bachmann
33. Robert Latta
34. John Culberson
35. John Boozman
36. Sam Graves
37. Sam Johnson
38. John Kline
39. Charles Boustany
40. Blaine Luetkemeyer

41. Geoff Davis
42. John Flemming
43. Jason Chaffetz
44. Harold Rogers
45. Pete Sessions
46. Steve Scalise
47. Joe Donnelly
48. Steve Buyer
49. Darrell Issa
50. Cliff Stearns
51. Bill Cassidy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 21 2010

OFFICE OF
AIR AND RADIATION

The Honorable William Cassidy
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Cassidy:

Thank you for the letter that you sent to Administrator Lisa Jackson on November 17, 2010, about the U.S. Environmental Protection Agency's (EPA's) reconsideration of the 2008 National Ambient Air Quality Standard (NAAQS) for ground-level ozone. The Administrator has asked me to respond on her behalf.

In your letter, you expressed concern over the Agency's decision to reconsider the 2008 standard, the Agency's reliance on the 2008 scientific record as the basis for the reconsideration, and the potential economic consequences of adopting a more stringent standard. I would like to respond to each of those concerns.

Administrator Jackson decided to reconsider the 2008 standard of 0.075 ppm, because it was significantly less protective of public health than even the least protective end of the 0.060-0.070 ppm band that the Congressionally-established Clean Air Science Advisory Committee (CASAC) had recommended. The difference in public health impact – up to 12,000 premature deaths, 58,000 cases of aggravated asthma, and up to \$100 billion dollars in health costs – is by no means trivial.

The reconsideration rests on the more than 1,700 scientific studies in the record as of 2008. EPA's Office of Research and Development has conducted a provisional assessment of relevant studies completed since 2008, and has found that they do not materially change the conclusions of the 2008 assessment.

Under the Clean Air Act, decisions regarding the NAAQS must be based solely on an evaluation of the health and environmental effects evidence. EPA is prohibited from considering costs or ease of implementation in setting or revising the NAAQS. However, we can and do consider costs during the implementation process, and we will work with states and local areas to help identify cost-effective implementation solutions to meet any revised standards.

As part of EPA's extensive review of the science, Administrator Jackson will ask CASAC for further interpretation of the epidemiological and clinical studies they used to make their recommendation. Also, to ensure EPA's decision is grounded in the best science, EPA will review the input from CASAC before the new standard is selected. Given this ongoing scientific

review, EPA intends to set a final standard in the range recommended by the CASAC by the end of July, 2011. Furthermore, EPA is moving forward with a number of other national rules that will significantly reduce pollution and improve public health for all Americans - rules designed to reduce harmful emissions from cars, power plants and other industrial facilities that contribute to ozone formation.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Cheryl Mackay, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, sweeping flourish at the end.

Gina McCarthy
Assistant Administrator

AL-09-000-9572

COMMITTEES
VICE CHAIRMAN-AGRICULTURE

Chairman-CONSERVATION, CREDIT,
ENERGY AND RESEARCH
LIVESTOCK, DAIRY, AND POULTRY

TRANSPORTATION
AND INFRASTRUCTURE

HIGHWAYS AND TRANSIT
AVIATION



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
June 18, 2009

TIM HOLDEN

17TH DISTRICT, PENNSYLVANIA

www.holden.house.gov

2417 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3817
(202) 225-5546

The Honorable Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We understand that EPA is evaluating its regulatory options for the management of coal combustion byproducts (CCBs) and plans to propose federal management standards for CCBs by the end of the year. This issue involves an important component of the nation's overall energy policy as EPA's decision could affect electricity costs from coal-fired plants, the continued viability of CCB beneficial use practices (which plays a significant role in the reduction of greenhouse gases), and the ability of certain power plants to remain in service. It is important therefore that the final rule reflect a balanced approach that ensures the cost-effective management of CCBs that is protective of human health and the environment, while also continuing to promote and encourage CCB beneficial use. As explained below, we believe that the federal regulation of CCBs pursuant to RCRA's Subtitle D non-hazardous waste authority is the most appropriate option for meeting these important goals.

As part of its evaluation of this issue, EPA has wisely sought input from the States regarding their preferences with respect to the three regulatory options under consideration: (1) federal regulation of CCBs as non-hazardous solid waste under RCRA Subtitle D, (2) regulation as hazardous wastes under RCRA Subtitle C, and (3) a hybrid approach where CCBs would be regulated as hazardous wastes with an exception from hazardous waste regulation for CCBs that are managed in conformance with specified standards.

We understand that, thus far, approximately 20 states, in addition to ASTSWMO, have responded to EPA's request for input on this issue and that *every* State has taken the position that the best management option for regulating CCBs is pursuant to RCRA Subtitle D. The States effectively argue that they have the regulatory infrastructure in place to ensure the safe management of CCBs under a Subtitle D program and, equally important, make clear that regulating CCBs as hazardous waste would be environmentally counter-productive because it would effectively end the beneficial use of CCBs. For the same reasons, the Environmental Council of States (ECOS) has issued a declaration expressly arguing against the regulation of CCBs as hazardous waste under RCRA.

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TEMPLE, PA 19560
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We respectfully suggest that the unanimous position of informed State agencies and associations cannot be ignored as EPA evaluates its regulatory options for CCBs. Among other things, the Bevill Amendment to RCRA directs that, as part of its decision-making process for CCBs, EPA will consult with the States "with a view towards avoiding duplication of effort." RCRA 8002(n). The States have made clear that regulating CCBs under RCRA Subtitle C would result in regulatory overkill and effectively end CCB beneficial uses.

The States' position is not surprising since it reflects EPA's own well-reasoned conclusions on four separate occasions that CCBs do not warrant hazardous waste regulation. EPA has issued two formal reports to Congress, in 1988 and 1999, concluding that CCBs do not warrant hazardous regulation. Most recently in 2000, EPA again determined that the better approach for regulating CCBs is "to develop national [non-hazardous waste] regulations under subtitle D rather than [hazardous waste regulations under] subtitle C. 65 Fed. Reg. 32214, 32221 (May 22, 2000). In reaching this decision, EPA agreed with the States that "the regulatory infrastructure is generally in place at the state level to ensure adequate management of these wastes" and that regulating CCBs as hazardous "would adversely impact [CCB] beneficial use." *Id.* at 32217, 32232.

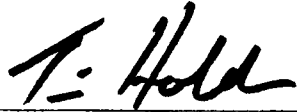
As we know you appreciate, the impact on CCB beneficial use is another statutory consideration that EPA must consider in evaluating its regulatory options for CCBs. *See* RCRA §8002(n)(8); 65 Fed. Reg. at 32232. Given that both EPA and the States have recognized that regulating CCBs as hazardous waste would have an adverse impact on CCB beneficial use, we find it difficult to imagine a legitimate basis for EPA pursuing the hazardous waste regulatory option for CCBs, even the so-called hybrid approach. As EPA correctly reasoned in selecting the Subtitle D approach in its 2000 regulatory determination, it did not want "to place any unnecessary barriers on the beneficial uses of [CCBs], because they conserve natural resources, reduce disposal costs and reduce the total amount of wastes destined for disposal." *Id.* at 32232. As stated earlier, the beneficial use of CCBs will also play a significant role in the country's Climate Change policies.

In addition to promoting increased CCB beneficial use, a Subtitle D approach will be protective of human health and the environment, as EPA has already concluded that State programs are in place to effectively regulate CCBs. *Id.* at 32217. A 2006 EPA/DOE report reinforces this conclusion by confirming the recent development of even more robust state controls for CCBs.

In view of the above, we respectfully urge EPA to work closely with the States in developing a performance-based federal program for CCBs under RCRA's Subtitle D non-hazardous waste authority. Such an approach would meet the Bevill Amendment's goals of ensuring the safe management of CCBs while continuing to promote and expand their beneficial use.

Thank you for your consideration.

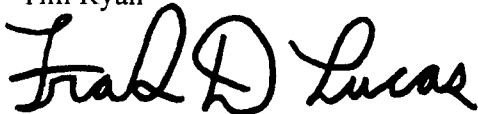
Sincerely,



Tim Holden



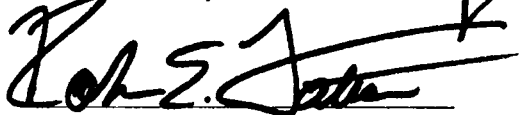
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Frank D. Lucas



Mac Thornberry



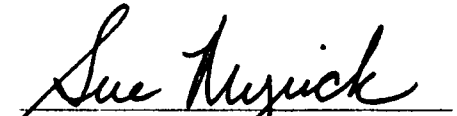
Robert E. Latta



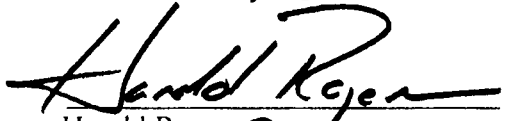
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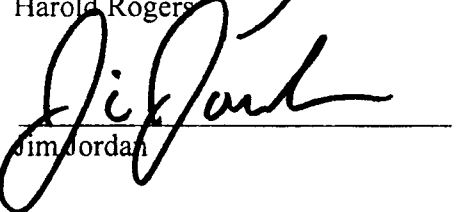
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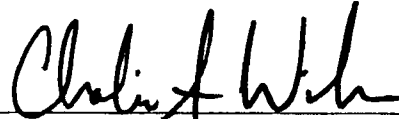
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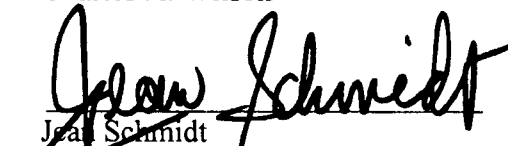
Harold Rogers



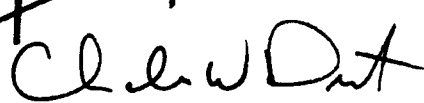
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Charles A. Wilson



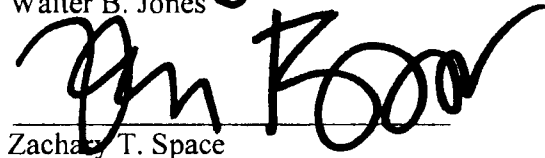
Jean Schmidt



Charles W. Dent



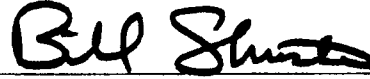
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Zachary T. Space



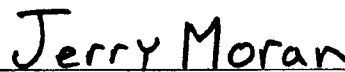
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Bill Shuster



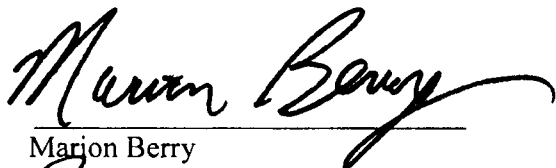
Ed Whitfield



Jerry Moran

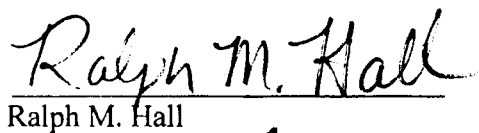


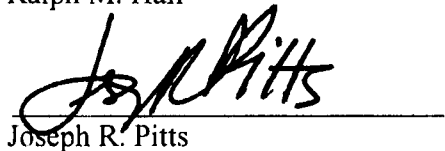
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Marion Berry

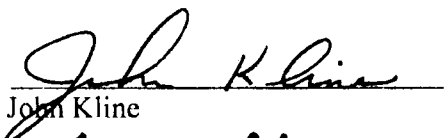

Steven G. LaTourette


Mike Ross


Ralph M. Hall


Joseph R. Pitts



Travis W. Childers

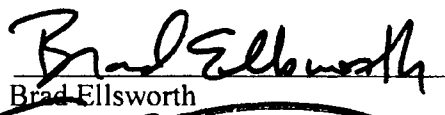

John Kline



Jason Altmire


Michael F. Doyle

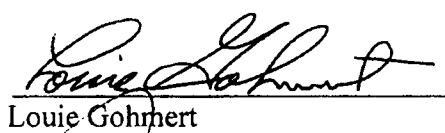

Mark E. Souder

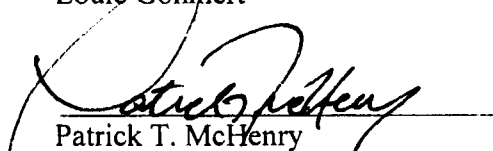

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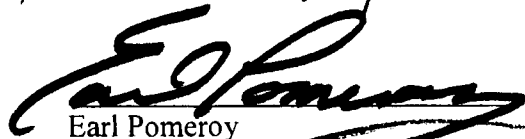

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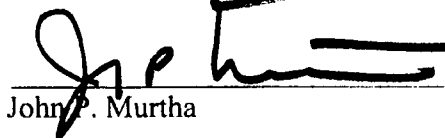

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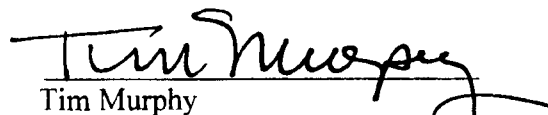

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Patrick T. McHenry

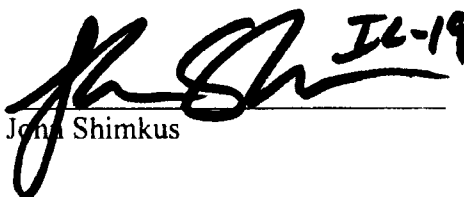

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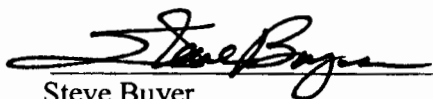

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Erik Paulsen

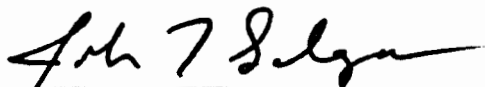

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Bob Goodlatte



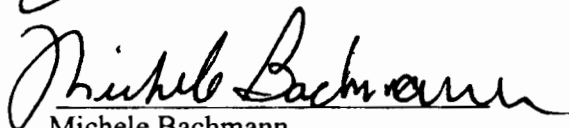
Steve Buyer



John T. Salazar



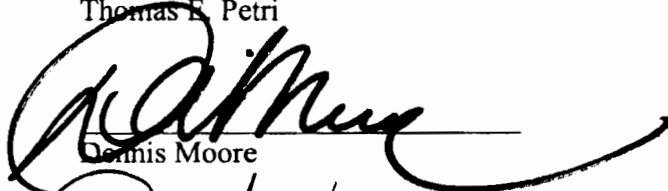
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Michele Bachmann



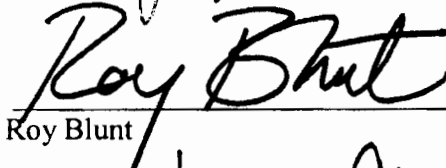
Thomas E. Petri



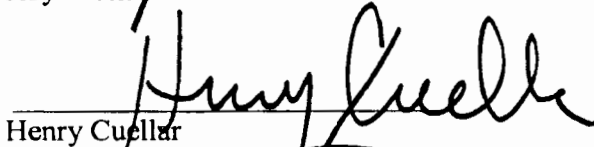
Dennis Moore



Peter J. Visclosky



Roy Blunt



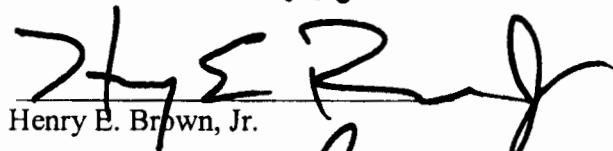
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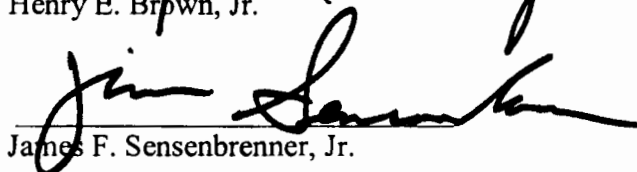
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Charles W. Boustany, Jr.



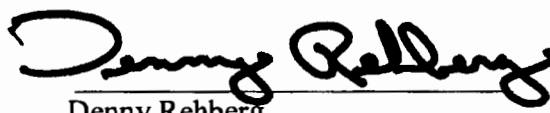
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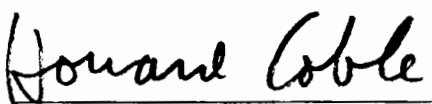
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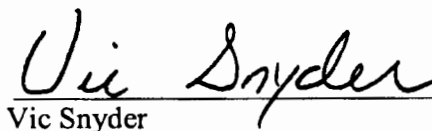
J. Gresham Barrett



Denny Rehberg



Howard Coble



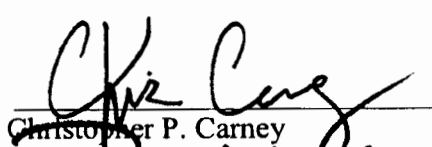
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Charlie Melancon




W. Todd Akin

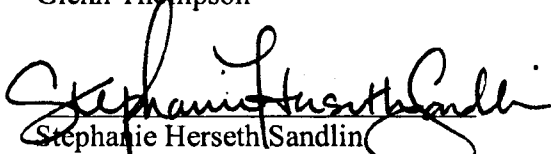


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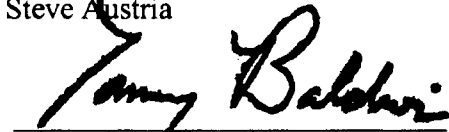
Ron Kind



Glenn Thompson

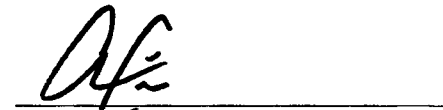

Stephanie Herseith Sandlin



Parker Griffith



Steve Austria



Tammy Baldwin


Joe Wilson


André Carson


Rick Boucher


Bill Cassidy


Gene Green



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 30 2009

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable William Cassidy
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cassidy:

Thank you for your letter of June 18, 2009 expressing your interest in the U.S. Environmental Protection Agency's (EPA) pending rulemaking governing the management of coal combustion residuals (CCR). In your letter, which was also signed by 73 of your colleagues, you requested assurance that EPA will work closely with the states in developing a performance-based federal program for CCR under the Resource Conservation and Recovery Act's Subtitle D non-hazardous waste authority.

EPA intends to issue a proposal, addressing these and other questions, before the end of this calendar year. We will include your letter, as well as those EPA has received from the states, in the docket for the rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Amy Hayden, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0555.

Sincerely,

A handwritten signature in black ink, which appears to read "Mathy Stanislaus", is positioned above the printed name.

Mathy Stanislaus
Assistant Administrator